

Debtor(s).

Location: Courtroom 1575, 255 E. Temple Street, Los Angeles CA 90012

Overbid procedure (*if any*): See attached.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Not applicable--all encumbrances will be paid through the sale.

Contact person for potential bidders (*include name, address, telephone, fax and/or email address*):

See the upper left hand corner of the first page of this form.

Date: 07/19/2017

Wesley H. Avery, Esq. CLS-B (SBN 155724)
Lucy Mavyan, Esq. (SBN 260811)
LAW OFFICES OF WESLEY H. AVERY, APC
758 E. Colorado Blvd. Ste. 210
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wavery@thebankruptcylawcenter.com
Attorney for John J. Menchaca, chapter 7 trustee

Fortis est veritas

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

In re
YAVAUGHNIE RENEE WILKINS, an
individual,

Debtor.

SSN xxx-xx-7711

Case No. 2:16-bk-12328-SK
Chapter 7

ATTACHMENT TO F6004-2

Date: August 30, 2017
Time: 9:00 a.m.
Place: U.S. Courthouse
Courtroom 1575
255 E. Temple St.
Los Angeles, CA 90012

TO THE HONORABLE SANDRA R. KLEIN, UNITED STATES BANKRUPTCY JUDGE,
POTENTIAL BIDDERS AND OTHER PARTIES IN INTEREST:

PLEASE TAKE NOTICE that John J. Menchaca, the duly appointed and acting chapter 7 trustee (the "Trustee") of the bankruptcy estate (the "Estate") of the above-captioned debtor Yavaughnie Renee Wilkins, an individual, (the "Debtor"), in Case No. 2:16-bk-12328-SK (the "Bankruptcy Case"), at the time, date and courtroom stated above (the "Sale Hearing"), will move (the "Motion") the Court for the entry of an order approving that Residential Purchase Agreement and Joint Escrow Instructions dated June 11, 2017 (the "Agreement") of which the signatories and parties are the Trustee as the Seller, and Zhizheng Wu and Ruihua Wang (collectively, "Wu"), or an assignee of Wu, or a successful overbidder, as buyer (the "Buyer"), by which that single family residence commonly known as 1723 Merrill Loop, San Jose CA 95124 bearing Santa Clara County

1 Assessor's Parcel Number 569-016-046 and any personalty found there (collectively, the
2 "Property"), will be sold (the "Sale") for at least \$937,000.00 (the "Sale Proceeds" or "Purchase
3 Price"), on an "as is, where is" basis, without any warranties either expressed or implied, and
4 without any contingencies, pursuant to 11 U.S.C. § ("Section(s)") 363(b), Fed. R. Bankr. P. 6004
5 and LBR 6004-1(c).

6 **PLEASE TAKE FURTHER NOTICE** that pursuant to an order entered on May 22,
7 2017 (the "Broker Employment Order"), Coldwell Banker Residential Brokerage Company, a
8 California corporation holding California Bureau of Real Estate License No. 00616212 ("CBRB")
9 and (ii) NRT West, Inc. a California corporation dba Coldwell Banker Residential Brokerage
10 holding California Bureau of Real Estate License No. 01908304 ("NRT") (CBRB and NRT will
11 be collectively referred to as the "Trustee's Broker") was employed as the Trustee's real estate
12 broker to market and sell the Property. An escrow designated as # 104059-AA (the "Escrow")
13 held by A&A Escrow Services, Inc., 415 N. Crescent Drive # 320, Beverly Hills CA 90210 is the
14 Escrow for the Sale.

15 **PLEASE TAKE FURTHER NOTICE** that the Property is encumbered by a first deed of
16 trust with an approximate principal and interest balance of \$201,164.29, plus unpaid property
17 taxes of approximately \$20,792.40. Any valid encumbrances of record against the Property shall
18 be paid through the Escrow.

19 **PLEASE TAKE FURTHER NOTICE** that the Sale is subject to overbid. Overbids are
20 requested to be in increments of \$5,000.00 with the first overbid in the amount of \$947,000. The
21 Sale to an overbidder must close within fourteen (14) days of the entry of the order granting the
22 Motion. The Motion further requests that any overbidder tender a bid deposit of \$28,500.00 to the
23 Trustee's counsel (whose contact information appears in the upper left-hand corner of the first
24 page of this notice) in the form of certified funds payable to the Trustee at least five (5) calendar
25 days before the Sale Hearing, together with written proof of the ability to close the Escrow
26 unconditionally in a form acceptable to the Trustee. The Trustee has the right to reject any offers
27 if not satisfied with the proof of the ability of said bidders to close the Sale unconditionally. In the
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1 event that said overbidder is approved by the Court to be the Buyer pursuant to the Sale of the
2 Property, then said overbidder is purchasing the Property on the exact terms set forth in the
3 Agreement except for the overbid Purchase Price; the bid deposit tendered by that overbidder shall
4 be deemed non-refundable unless the Seller is unable to perform under the Agreement.

5 **PLEASE TAKE FURTHER NOTICE** that at the Sale Hearing the Trustee will ask for
6 Court approval of an alternative bidder if the Buyer does not close the Sale within fourteen (14)
7 days of the entry of the order approving the Motion.

8 Date: July 19, 2017

LAW OFFICES OF WESLEY H. AVERY, APC

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11 Wesley H. Avery, Esq.
12 Attorney for John J. Menchaca
13 Chapter 7 Trustee
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 758 E. Colorado Blvd. Ste. 210, Pasadena, CA 91101. A true and correct copy of the foregoing document entitled (*specify*): **Form 6004-2** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) July 19, 2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Wesley H Avery** wavery@thebankruptcylawcenter.com, lucy@averytrustee.com
- **Min K Kim** min.kim@wilsonelser.com, delia.guerrero@wilsonelser.com
- **John J Menchaca (TR)** jmenchaca@menchacacpa.com, ca87@ecfcbis.com; igaeta@menchacacpa.com
- **Kelly L Morrison** kelly.l.morrison@usdoj.gov
- **Matthew D Resnik** matt@srhlawfirm.com, mattec@gmail.com; renee@srhlawfirm.com
- **Melanie Scott** melanie.scott@usdoj.gov
- **United States Trustee (LA)** ustpregion16.la.ecf@usdoj.gov
- **Jennifer H Wang** jwang@cookseylaw.com, jwang@ecf.courtdrive.com
- **Jeffrey N Wishman** jeffreywishman@aol.com, bwlecf@gmail.com
- **Bradley J Yourist** byourist@gmail.com, djy@youristlaw.com; atroy@youristlaw.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) July 19, 2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor YaVaughnie Renee Wilkins, 1723 Merrill Loop, San Jose CA 95124-5815

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) July 19, 2017, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

7/19/17
Date

Alexandria Fitzpatrick
Printed Name

/s/ Alexandria Fitzpatrick
Signature